

JUN 27 2006



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2006 JUN 27 P 2:21

June 27, 2006

Please hand deliver the following facsimile immediately to:

Name: Examiner Carlos A. Azpuru

Facsimile No.: (571) 273-8300

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AU 1615

Number of pages (including this page): 10

Telephone No.: (571) 272-0588

From: Yeah Sil Moon

Send Copies To:

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CAM No.: 501872-999017

Re: Serial No.: 09/734,460
Filed: December 11, 2000
Application of: Jerome B. Zeldis
For: METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF
ATHEROSCLEROSIS, RESTENOSIS AND RELATED DISORDER

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Message:

Dear Examiner

Please find the attached Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b) and accompanying documents. The original documents will be forwarded to the PTO via Express Mail.

Thank you.

Yeah-Sil Moon

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NYJD-1627812v1

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Express Mail No.: EV452776538US

Date Mailed: June 23, 2006

Serial No.: 09/734,460

Filed: December 11, 2000

Inventor: Zeldis

For: METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF
ATHEROSCLEROSIS, RESTENOSIS AND RELATED DISORDER

The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of
the following:

- (1) Petition To Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b);
- (2) copy of Notice of Abandonment received from Examiner Azpuru dated June 27, 2006;
- (3) copy of postcard and Fee Submittal mailed January 10, 2006, and;
- (4) copy of January 2006 Monthly Statement of Deposit Account for
Jones Day Deposit Account 50-3013

File No.: 9516-018-999

Sender: Moon/Insogna



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JUN 27 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Jerome B. Zeldis	Confirmation No.:	5112
Serial No.:	09/734,460	Art Unit:	1615
Filed:	December 11, 2000	Examiner:	Azpuru, Carlos A.
For:	METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF ATHEROSCLEROSIS, RESTENOSIS AND RELATED DISORDER	Attorney Docket No.:	9516-018-999 (CAM: 501872-999017)

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant respectfully petitions to revive the above-identified application under 37 C.F.R. § 1.137(b) on the ground that the application was abandoned unintentionally.

Applicant petitions to revive the application, which is believed to be abandoned for failing to pay issue fee and publication fee within February 27, 2006, the time set forth on a Notice of Allowance and Fee(s) due mailed on November 25, 2005.

The relevant facts are set forth below. On June 27, 2006, the attorney of record received a call from the Examiner Azpuru and a Notice of Abandonment was received on the ground that no payment of issue fee and publication fee was received. The Examiner explained over the phone that there was not sufficient money in Jones Day Deposit Account No. 50-3013. However, on January 10, 2006, the attorney of record filed Fee Submittal with the provisions for applying the fees to the application above-identified and authorizing the USPTO to charge to Jones Day Deposit Account No. 50-3013. As seen in the attached Monthly Statement of Deposit Account, there was balance over \$500,000 in the account as of January 10, 2006, which can be withdrawn for the payment of \$1,700 of issue fee and publication fee in the above-identified application.

In support of this Petition, Applicant submits herewith the following documents:

07/03/2006 TBESHAN2 00000116 503013 09734460
03 FC:1453 1500.00 DA

1. the fax of the Notice of Abandonment;
2. Fee Submittal and post card filed on January 10, 2006; and


3. Monthly Statement of Deposit Account No. 50-3013 as of
January 10, 2006.

In light of the foregoing remarks and documentation, the application was abandoned for unintentionally failing to respond within the time set forth on the Notice. Applicant respectfully requests that \$1,700 of the issue fee and publication fee be charged to Deposit Account No. 50-3013, that the application be revived, and that a patent be issued.

Please charge any required fee to Jones Day Deposit Account No. 50-3013 for this submission. A duplicate of this sheet is attached. If any issues remain, it is requested that the undersigned be contacted at (212) 326-3778.

Date: June 27, 2006

Respectfully submitted,


Yeah Sil Moon

(Reg. No. 52,042)

For Anthony M. Insogna

(Reg. No. 35,203)

JONES DAY

222 East 41st Street

New York, NY 10017

Tel. (212) 326-3778

U.S. Patent & Trademark Office, AU 1615, 571-272-0588

Carlos Azpuru**Fax**

To: Yeah-Sil Moon **From:** Carlos Azpuru
Fax: 212-755-7308 **Pages:** 4/2
Phone: 212-326-3778 **Date:** 08/27/2008
Re: Issue Fee Insufficient funds and abandonment **CC:**
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:****Please Note:**

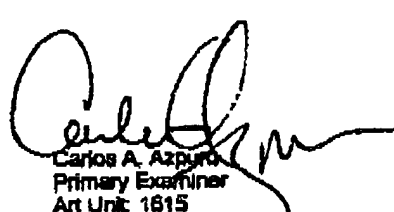
JUN 27 2006

Notice of Abandonment	Application No.	Applicant(s)	
	09/734,460	ZELDIS, JEROME B.	
	Examiner	Art Unit	
	Carlos A. Azpuru	1815	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-86).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-86).
 - ☒ The submitted fee of \$1,700.00 is insufficient. A balance of \$1,700.00 is due.
The issue fee required by 37 CFR 1.18 is \$1,400.00. The publication fee, if required by 37 CFR 1.18(d), is \$300.00.
 - ☒ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below.


 Carlos A. Azpuru
 Primary Examiner
 Art Unit 1815

Persons to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20060827

Express Mail No.: EV475142167US	
Date Mailed: January 10, 2006	
Serial No.: 09734460	Filed: December 11, 2000
Inventor: JEROME B. ZELDJS	
For: METHODS AND COMPOSITIONS FOR THE PREVENTION AND TREATMENT OF ATHEROSCLEROSIS, RESTINOSIS AND RELATED DISORDERS	
The stamp of the Patent Office hereon may be taken as an acknowledgment of the date stamped of the following:	
(X) Fee Transmittal (in duplicate)	
File No. 9516-018-999	Serial: AMI/YSM
Cam No.: 501872-999017	
16069011	

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MARIANNA SIMONE
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Account No.	503013
Date	1-31-06
Page	6

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